

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2543

Introduced by Assembly Member Alejo

February 24, 2012

~~An act to amend Section 3543.7 of the Government Code, relating to public educational employment. An act to add Section 3305.5 to the Government Code, relating to public safety.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as amended, Alejo. ~~Public educational employment: collective bargaining. Public Safety Officers Procedural Bill of Rights Act: Brady lists.~~

The Public Safety Officers Procedural Bill of Rights Act prohibits any punitive action against a public safety officer, or denial of promotion on grounds other than merit, without providing the public safety officer with an opportunity for administrative appeal.

This bill would prohibit a public agency from taking punitive action against a public safety officer, or denying promotion on grounds other than merit, because that officer's name is placed on a Brady list, as defined. The bill would provide, however, that the public agency may take punitive or personnel action against a public safety officer based on the underlying acts or omissions for which that officer's name was placed on the Brady list, as specified. The bill would prohibit the introduction of any evidence that an officer's name was placed on a Brady list in any administrative appeal of a punitive action or civil proceeding between the officer and an office or public agency.

~~Existing law requires a public school employer or its designees to meet and negotiate with the exclusive representatives of employee~~

~~organizations with regard to matters within the scope of representation. Existing law provides that the duty to meet and negotiate in good faith requires the parties to begin negotiations prior to the adoption of the final budget for the ensuing year, as specified, so that there is adequate time for agreement to be reached or for the resolution of an impasse.~~

~~This bill would make technical, nonsubstantive changes to that later provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3305.5 is added to the Government Code,
2 to read:
3 3305.5. (a) A punitive action, or denial of promotion on
4 grounds other than merit, shall not be undertaken by any public
5 agency against any public safety officer because that officer's
6 name has been placed on a Brady list, or that the officer's name
7 may otherwise be subject to disclosure pursuant to *Brady v.*
8 *Maryland* (1963) 373 U.S. 83.
9 (b) This section shall not prohibit a public agency from taking
10 punitive action, denying promotion on grounds other than merit,
11 or taking other personnel action against a public safety officer
12 based on the underlying acts or omissions for which that officer's
13 name was placed on a Brady list, or may otherwise be subject to
14 disclosure pursuant to *Brady v. Maryland* (1963) 373 U.S. 83, if
15 the actions taken by the public agency otherwise conform to this
16 chapter and to the rules and procedures adopted by the local
17 agency.
18 (c) Evidence that a public safety officer's name has been placed
19 on a Brady list, or may otherwise be subject to disclosure pursuant
20 to *Brady v. Maryland* (1963) 373 U.S. 83, shall not be introduced
21 for any purpose in any administrative appeal of a punitive action,
22 or in any civil proceeding between the officer and an office or
23 public agency.
24 (d) For purposes of this section, "Brady list" means any system,
25 index, list, or other record containing the names of peace officers
26 whose personnel files are likely to contain evidence of dishonesty
27 or bias, which is maintained by a prosecutorial agency or office

1 *in accordance with the holding in Brady v. Maryland (1963) 373*
2 *U.S. 83.*

3 ~~SECTION 1. Section 3543.7 of the Government Code is~~
4 ~~amended to read:~~

5 ~~3543.7. The duty to meet and negotiate in good faith requires~~
6 ~~the parties to begin negotiations before the adoption of the final~~
7 ~~budget for the ensuing year sufficiently in advance of that adoption~~
8 ~~date so that there is adequate time for agreement to be reached, or~~
9 ~~for the resolution of an impasse.~~

O